

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING - May 17, 1967

Appeal No. 9223 Marshall Gardens Limited Partnership, appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on June 20, 1967.

EFFECTIVE DATE OF ORDER - July 17, 1967

ORDERED:

That the appeal for variance from the provisions of Section 3307 to permit erections of groups of apartment buildings with division walls from ground up and deemed a single building and variance from the FAR, lot occupancy and side yard requirements of Paragraph 3307.13 and 3307.14 variance from requirements of Section 7201.3 to waive 16 parking spaces in the 5300 block of E and F Streets, S.E., lots 4-12, 18-23, 807, 809, 811 and 813, square 5298, be partially granted.

FINDINGS OF FACT:

1. The subject property is located in an R-5-A district.
2. The subject property consists of 19 separate lots which are contiguous and located in the 5300 block of E and F Streets, S.E.
3. It is proposed to construct a three-story apartment complex, consisting of three buildings around an open end courtyard.
4. The buildings will contain 81 apartment units.
5. The lots will be combined into one lot and it is proposed to develop to a 0.9 FAR.
6. The mechanical and storage room ¹³~~will~~ in each of the buildings is approximately 600 square feet. In order to construct the type of buildings desired, the mechanical room on the lower floor is included in the FAR. This could be avoided by mounding the earth at this level and making cellars. It is contended that this would detract from the usefulness of the courtyard that is provided and would also be an unnecessary expense. The space would only be used for mechanical equipment and storage.
7. Appellant amended the appeal to request a waiver for only four off-street parking spaces.

8. The theoretical lots would be as follows:

Lot 1 equals 20,492 square feet. The actual FAR is 0.9 or 18,440 square feet.

Lot 2 equals 20,454 square feet. The actual FAR is 0.9 or 18,409 square feet.

Lot 3 equals 31,043 square feet. The actual FAR is 0.9 or 27,939 square feet.

9. If the lots were subdivided into three lots, appellant would be limited to a 40 percent lot occupancy. Under the regulations appellant is held to a 25 percent lot occupancy. The actual lot occupancy is 31 percent.

10. No opposition to the granting of this appeal was registered at the public hearing.

OPINION:

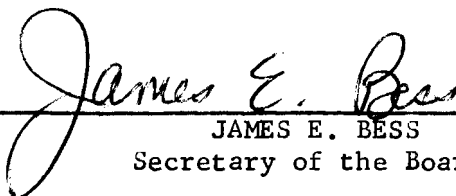
We are of the opinion that the appellant has shown a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested variances will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

Further, we find that the requested relief can be granted without substantial detriment to the public good and within the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By:



JAMES E. BESS
Secretary of the Board

THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.